

## **REMARKS/ARGUMENTS**

The office action of February 5, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 110 to 113, 115 to 120 and 122 to 130 now stand in this application. Claims 114 and 121 have been cancelled without prejudice or disclaimer. Claims 112, 113 and 115 through 130 have been amended. Claims 115, 116, 120, 123, 125, 127, 128 and 130 have had their dependencies changed to depend either directly or indirectly from claim 110. Claim 113 has been amended to delete reference to Group IVB of the transition metal oxides.

Reconsideration of this application is requested in view of the above amendments to the claims.

In view of the revisions to the claim dependencies for claims 115 and 116, antecedent basis is now provided for the term "said oxygen storage component". It is believed that this revision overcomes the outstanding objection to prior claim 116. Withdrawal of the rejection is requested.

Claims 115 onwards have been amended to depend directly or indirectly from claim 110 which is directed to a cigarette. It is submitted that the combination of the dry precursor sheet material with a tobacco rod to form a cigarette is clearly distinct from the cited prior art.

Claims 110-113 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,915,117 to Ito that discloses a cigarette comprising a thin sheet of a wrapper material for holding tobacco.

As previously discussed, Ito discloses a wrapper for a cigarette which produces no harmful organic substance with heat during the smoking of the cigarette. Ito discloses that this desired result is achieved by heat treating a cigarette paper made from a slurry at high temperatures to thermally decompose the paper by eliminating the organic materials

therefrom. As taught in column 6, beginning at line 10 of the patent to Ito, a thermal decomposition temperature of less than 500°C is not satisfactory because it takes too long for the heat treatment and secondly, the compounds may be insufficiently thermally decomposed whereby harmful organic substances could be produced when the cigarette is lit. Ito is therefore suggesting a heat treatment temperature preferably in the range of 800° to 1200°C to ensure that all the organics are removed from the ceramic materials before the material is applied to a cigarette. Ito does not require that the thermal degradation be carried out in a non-oxygen atmosphere. Instead, it is Ito's desire to heat treat the ceramic paper at a sufficiently high temperature to burn off the organic materials so that they are not evolved when the ceramic material is used on the cigarette. It is Ito's desire to heat treat the sheet material at a sufficient high temperature to provide a ceramic paper which does not contain any organics and thereby avoids the production of any harmful organic substances with heat occurring from the smoking of the cigarette. Therefore, it would not have been obvious to one of ordinary skill in the art to contradict the express teachings of Ito and provide the Ito cigarette paper with organics, the materials that Ito is attempting to eliminate. Withdrawal of the rejection is requested.

Claims 110-130 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,371,127 to Snaidr et al. It is submitted that the Snaidr patent is not related to the claimed subject matter at hand and to emphasize that, the claims have been modified to recite to a cigarette rather than the precursor material.

The patent to Snaidr discloses a process that eliminates organics during the production of a cigarette wrapper. Specifically, the patent to Snaidr discloses that a wrapper is developed and heat treated in a manner to drive off the organics so as to increase the porosity of the wrapper. As taught in column 20, beginning at line 39 of the Snaidr patent, the heat treating is carried out in two steps to avoid puffing of the materials. Such heat treatment ensures a release of the volatiles, that is, the organics before the wrapper is applied to a tobacco rod. The organics are removed from the

material to develop the necessary porosity for the wrapper tube. Therefore, since the organics have been removed from the formed tube before the tube is applied, the cigarette utilizing the formed tube of Snaidr cannot include the organics recited in claim 110. Hence, the patent to Snaidr cannot anticipate claims 110-130. Withdrawal of the rejection is requested.

Even if, as suggested in the Office Action, it could be argued that the patent to Snaidr discloses a precursor wrapper material that is subsequently heat treated, the patent to Snaidr does not disclose or contemplate (1) the application of the precursor material to a tobacco rod, or (2) relying on the temperature of the burning cigarette to activate the ceramic based wrapper to thereby burn off the organics and develop a porous wrapper for treating sidestream smoke. It is submitted that by amending the claims to recite a cigarette, where the cigarette has the wrapper of the dry precursor cigarette sheet material, the pending claims are distinct from both cited publication. It is also submitted that the pending claims are not anticipated or obvious in view of either of the above-discussed publications because these publications does not contemplate or make obvious the cigarette recited in claim 110.


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In view of the above, favorable reconsideration of this application is requested at the earliest convenience. If any issues remain outstanding, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,

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